



**COUNTY OF PLACER  
FISH & GAME COMMISSION**

**Ed King**  
Deputy Agricultural Commissioner  
County Contact

**FISH & GAME COMMISSION MEMBERS**

<b>DISTRICT 1</b> Don Gould	<b>DISTRICT 2</b> Mark Fowler
<b>DISTRICT 3</b> Gregg McKenzie	<b>DISTRICT 4</b> Gary Flanagan
<b>DISTRICT 5</b> Kari Freidig	<b>DISTRICT 5</b> Marc Wyatt
<b>DISTRICT 5</b> Mickey Daniels	

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**PLACER COUNTY  
FISH & GAME COMMISSION  
MINUTES**

**TIME/DATE: 7:00 P.M. WEDNESDAY, July 23, 2014**

**LOCATION: PLACER COUNTY PLANNING COMMISSION HEARING ROOM  
Community Development Resource Agency, DeWitt Center, Auburn  
3091 County Center Drive (corner of Bell Road and Richardson Drive)**

The Placer County Fish & Game Commission is committed to ensuring that persons with disabilities are provided the resources to participate fully in its public meetings. If you are hearing impaired, we have listening devices available. If you require additional disability-related modifications or accommodations, including auxiliary aids or services, please contact the Recording Secretary at (530) 889-7372. If requested, the agenda shall be provided in appropriate alternative formats to persons with disabilities. All requests must be received at least 72 hours prior to the scheduled meeting for which you are requesting accommodation. Requests received after such time will be accommodated only if time permits.

**I. CALL TO ORDER – Gregg McKenzie**

**II. ROLL CALL**

**Members Present:** Gary Flanagan, Mickey Daniels, Kari Freidig, Marc Wyatt, Gregg McKenzie and Mark Fowler

**Absent:** Don Gould

**III. APPROVAL OF AGENDA FOR July 23, 2014 AND APPROVAL OF MINUTES OF June 25, 2014**

Gregg McKenzie requests an addition to agenda for July 23, 2014 to discuss email from Lt. Lawson, Department of Fish and Wildlife (DFW).  
Fowler/Flanagan/MPUV

**IV. PUBLIC COMMENT**

Individuals may address the Commission on items under the jurisdiction of the Fish and Game Commission not included on this agenda for no longer than five (5) minutes. ***No action can be taken on items addressed under Public Comment***

None.

## **V. FINANCIAL REPORT**

### **Budget Update – Ed King**

Preliminary expenditure totals for FY 13/14 through June 30, 2014, are \$9,479.88 including \$1,500.00 in commissioner's fees, \$500.00 in secretary fees, \$1,611.00 in mileage reimbursement, \$4995.80 in grant awards and \$867.00 in A-87 costs.

Revenue totals through June 30, were \$729.76 including \$509.02 in fine and penalty monies and \$220.74 in interest. There was also a General Fund contribution to the Fish and Game Fund of \$4,000.00 for commission operating expenses.

## **VI. AGENCY REPORTS**

### **A. Commission Updates**

Gary Flanagan attended the Big Game Advisory Committee meeting on July 1, 2014, at Fish and Wildlife in downtown Sacramento. This year funding has been \$10 million dollars from sale of tags and fundraising from non-profits that are involved in hunting in the state of California – mostly mule deer and big horn sheep. Wildlife Management has been very good about transparency of use of funds showing how they are using the money in their various programs.

However, law states that Wildlife Enforcement is entitled to 20 percent of these funds. They took \$1.6 million off the top, but provided no transparency of how they are using the money. Some members on the advisory are lobbyists for the state. Kathy Lynch, of Kathy Lynch & Associates, was bothered by this and said she would submit a Public Records Act request to DFW to provide transparency of where the \$1.6 million is being used.

Since then, Mike Carrion Chief of Wildlife Enforcement, has provided documentation to the advisory group. There is concern about the explanation because it looks like they place the money into the Wildlife Enforcement Fund and then use the funds to support their normal patrol functions, but say it was used for investigations, citations and arrests for violation of deer, pigs. The concern is that these things are what they should be doing anyway with their money. They provide no breakdown of special projects they are working on such as deer decoys, etc.

Flanagan speaks very highly of Craig Stowers and Wildlife Management for their efforts to, not only use the funds properly, but their efforts to provide transparency in how the funds are used.

### **B. State Wildlife Conservation Board Subcommittee – Gregg McKenzie**

McKenzie is getting their monthly staff reports now. Good news is they still have funding though not as much as in the past. There are no current projects involving Placer County at this time.

**C. State Fish & Game Commission Subcommittee – Mark Fowler**

Deer tag quota for D6 zone is now final. D6 area is where the Rim fire took place (Yosemite area). The quota is cut from 10,000 to 6,000 because of the fire and issues caused by it.

DFW is holding a public workshop on the lead bullet ban in Sacramento on Tuesday, July 29, 2014. There will be a couple other workshops with the final being held in San Diego after which additional implementation guidelines will be put forth.

The red-legged frog has been declared the California State amphibian and there is a petition to add the flat-tailed horned lizard to endangered species status.

August 5, 2014, the commission will meet in San Diego. They could possibly adopt the upland game bird hunt regulations – deals with dove counts as discussed in Fish and Game commission meeting in May 2014. In addition, a possible adoption of the waterfowl regulations – duck and geese bag limit increase, and a possible adoption of the taking of rare plants.

Wyatt asks if the non-lead ammunition workshop is at the Rancho Cordova Library. Fowler acknowledged. More information is available on the DFW website.

**D. California Department of Fish & Wildlife – Lt. John Lawson**

None

**E. Nevada Irrigation District - Sue Sindt**

Sue not present. McKenzie mentioned attending a PCWA meeting. NID is better off than they previously thought and so they did not take as much of their allocation, allowing PCWA to increase their draw by 72%. Water still an issue.

**NON-ACTION ITEMS**

**VII. Sierra Watershed Education Partnerships, Trout in the Classroom, Fish and Game Commission grant program report – Melissa “Missy” Mohler, Executive Director**

The mission of Trout in the Classroom is to promote environmental stewardship by connecting students to area wildlife. Student exposure leads to engagement later in life. Funding they receive helps to expose more children to Trout in the Classroom. Currently there are 11 schools in the area involved. Trout in the Classroom provides the permits, eggs, supports the teachers with any fish tank problems, and provides program training. Trout in the Classroom also attends and supports the release of the fish to the wild. Missy presented a short video:

<http://youtu.be/DL4Sx5Z3l2g> Missy stated that the students in the film are from Kings Beach Elementary, Sierra Expeditionary and Truckee Elementary and High schools. They continue to struggle for funding but thank the commission very much for the funding provided.

Flanagan asks where the broodstock is coming from. Missy tells him Gardnerville and that this requires a permit to bring them across state line. Gardnerville is the supplier they've used all along.

Trout in the Classroom received a request from Donner Trail School, which is on the Yuba River, but she cannot obtain a permit for the fish from Gardnerville for that location. She's tried a couple times to work with another hatchery but it just hasn't worked out. Flanagan suggests that she might source the fish for this school from the American River hatchery. Flanagan says he will call Ken Kundargi, DFW fisheries biologist, for her. Missy says she thinks she's talked to Ken before.

Fowler asks about the schools involved. Missy explains that different schools do it differently. Some have the tank in the library, some in the science room and sometimes teachers share it. However they do it, the classes tour it periodically. They do the program for all ages – K through 12 in hopes the children will be exposed to the program at least a couple of times.

Recently, one of their prior students discovered a non-native fish. It was a very large aquarium fish.

#### **VIII. Central Sierra Association of Fish & Game Commissioners proposal to use fine revenues. – Gary Flanagan**

Kari Freidig brought this up a couple of meetings ago. Someone had proposed using some of the county fine funds to obtain a lobbyist to represent the different counties on wildlife issues. Flanagan immediately contacted the person who took the minutes at the meeting where this discussion took place. This person explained other counties consensus was that the funding for the lobbyist would fall under "education." Flanagan asks for discussion to find out what other commissioners think about this idea so that when he attends the next Central Sierra Association meeting, they'll have a good idea what the commission is willing to do and not do.

McKenzie states he's not sure it does fit under "education" and that the commission should check with county counsel. Daniels states the commission is not in the lobbying business. Freidig is against it. Fowler says it is far outside of the commission's scope and Daniels says he agrees with that 100%. Flanagan notes that all commission members seem to be of the same opinion. He mentions that this particular lobbyist sends out a newsletter, and receipt of the newsletter is contingent on funding of the lobbyist. Freidig expresses concern and that the members check with other counties to see what they think.

Flanagan tells her that the Central Sierra bylaws state that either every county must agree with a proposal or it doesn't happen. Flanagan states that he or Wyatt will attend the next Central Sierra meeting and inform the other counties that Placer is not supportive of the proposal.

**IX. Addition Discussion Item – Email from Lt. Lawson**

McKenzie states the information in the email, while interesting, isn't all that helpful. The Commission suffers from a lack of information regarding what DFW is up to in the county. McKenzie says he's torn on whether to fight to keep this kind of information flowing even though it's not that useful or check in with other counties to see what information they're receiving. McKenzie says he wants the Commission to discuss this, to see what may further be done.

Wyatt concurs, saying the report was repetitive. It was enjoyable but non-informing.

Marilyn Jasper asks the commission to inform the public of the issue being discussed.

McKenzie reports the issue is regarding some interactions between Ed King – Deputy Commissioner and Lt. John Lawson regarding the DFW monthly reports, which cover everything happening within Lt. Lawson's squad even outside of Placer County. Wyatt interjects that Lt. Lawson's squad covers Sierra, Nevada and Placer counties.

Marilyn Jasper says she has requested to receive these same reports as they are public record, but she doesn't understand the problem. She asks if Lt. Lawson is now saying he doesn't want to do them.

McKenzie answers that Lawson is now saying he is no longer going to provide them to any county, not just Placer. Lt. Lawson is choosing not to provide the reports to any of the commissions.

Freidig states she doesn't know the protocol, but she questions that he gets to choose that information currently shared with multiple counties can stop because one person chooses not to do it anymore. She is surprised one person has that power. She asks if the Commission was privileged to receive that information, if DFW was not required to provide it in the first place.

Fowler says it may not be required but once a person does provide information, he comes to expect it and appreciate it stating that as information is restricted the more clueless the Commission becomes. Although the reports didn't always include pertinent information, he really appreciated reading them because it helped him know what was going on with the wardens in Placer County.

Freidig adds that this one the only line of information offered, and a thin line at that.

Fowler wonders if this is statewide. He asks if other counties were getting a report like this one.

Flanagan says the requirement is for the Lieutenant of a squad to do a weekly report of activity and send it to headquarters.

Freidig asks if that's always been the requirement because she doesn't remember it from 5 years ago, when she first joined the commission.

Flanagan says it wasn't necessary because they had a Lieutenant that was showing up almost 100 percent of the time to the commission meetings and verbally reporting activity. The prior Lieutenant was also very open about answering any questions that arose from the report given.

Flanagan goes on to state that in the beginning of Lt. Lawson's tenure, he didn't attend any commission meetings; it was not until after two meetings with commission members Captain Naslund and Lt. Lawson that he began to attend. At that time, his captain and he promised to send weekly reports to the commission, including the citation information for Placer. Citation information was never produced. The result is that while the reports are interesting, they are vague and create fewer answers, more questions.

Flanagan says Ed King had asked the commission at a prior meeting to send any questions they had about the weekly report to Ed via email and he would forward those to Lt. Lawson ahead of time so that he would be prepared to answer them at upcoming meetings.

Ed says the initial response from Lt. Lawson was positive, that he would answer the questions at the next commission meeting he attended. However, since then Ed hasn't seen him or heard from him and he hasn't been to the commission meetings either. Lt. Lawson's most recent response was to say he was going to stop all weekly reports.

Ed says there have been no weeklies since Mid-June – Flanagan says he knows that Nevada County received their weekly reports. Flanagan thinks Lt. Lawson couldn't justify denial of reports to Placer without denying the other counties as well.

Flanagan observes that this is all indicative of the commission requesting more information from DFW concerning their activity in Placer County and DFW resisting being transparent about providing that information. He believes Lt. Lawson has completely shut down towards Placer County and unless the

commission does something proactive, he doesn't believe the commission will get any more information.

McKenzie says he agrees and it seems to be leading to something, though he isn't certain what that is, it seems that DFW is marginalizing the commission. The commission is all about information and they are definitely suffering from a lack of it concerning what's happening with DFW in Placer. He suggests making an action item for the next agenda and encourages everyone to discuss the issue with their Board members. The goal being to get the Board of Supervisors engaged in the discussion to see where they can take it as well.

Flanagan agrees and adds he thinks the commission has given DFW more than enough opportunity. The public records request involving citation activity in Placer County gave a good idea of the amount of work that's being done in the county as well as the other two counties. He believes this may have upset Captain Jeter and Lt. Lawson. Flanagan adds that DFW were told that the citation information could benefit them as well, since they get fifty percent of the proceeds from fines imposed in the courts and Ed was going to do the research to find out what happened with those cases. Ed has been working hard gathering that information. He asks Ed if he has enough information to present the case to the Board of Supervisors.

Ed says he believes, based on information received from DFW and his research and interaction with the courts, auditor and district attorney, there is enough information to support a presentation to Board members. Some definitive conclusions can be made based on extensive research that's been conducted.

McKenzie solicits public comments.

Marilyn Jasper takes the opportunity to tell the commission that while she understands the frustration, and she has no clue about Lt. Lawson's intentions, she doesn't see it the same as they commission does. She cautions them to find out first what's going on. If DFW isn't required to do any reporting and they've done it out of kindness, then the commission is lucky to have received what was given and there's nothing more to do about it. And/or Lt. Lawson is being inundated with questions that are outside of his scope of authority to answer.

McKenzie tells her that there is a lot of tension behind the scenes between the commission and DFW.

Flanagan speaks on the public information request for citation information for 2013. When the request was initiated, there was no focus on any one department. The commission had no idea where problems regarding Fish and Game Fund revenues were occurring, whether it is the courts, the District Attorney's office, DFW or a coding problem. Every year, the commission seems to have to scrounge for money they are entitled to and they're about to talk about

whether or not they can fund this year's grant applicants at all. The commission has enough money to do that, only because of all the hard work done by Ed King behind the scenes to reclaim funds that had been misappropriated. He adds either the situation is fixed so that it works, or the Board of Supervisors needs to tell the commission that they don't believe these grants are important to the community. He believes he's very clear on what the problem is and in his estimation, he believes DFW doesn't want to be transparent because they don't want to answer the questions that will follow. He takes his position on the commission very seriously and that it has been his push for transparency. He remembers Lt. Richard Vincent as someone who included the commission in the work being done within the county. The commission members are representatives of the community to the Board of Supervisors. He believes DFW should hold the commission in higher regard and consider it their responsibility to share information about the work they do in Placer.

Daniels says he believes that supplying revenue to DFW from base fine amounts presents an impression of becoming bounty hunters going after money instead of resource protectors.

Freidig says she was considering all the past meeting minutes and all the time spent on this issue. She was looking at documents from Christine Turner's tenure as the Agricultural Commissioner. She wonders how much this has cost the county to try to get this public information and that this might be addressed in the presentation to the Board.

Flanagan suggests McKenzie write a letter to DFW Assistant Enforcement Chief Warrington. In fairness, go up the chain of command within DFW before presenting to the Board.

Freidig asks if they should first speak with their Board members.  
McKenzie motioned to put action item on the agenda for August 2014 to write a letter to DFW and maybe a letter to the Board too. Fowler seconded/MPUV.

#### **X. Fiscal Year 2014-15 Commission Officer Elections**

Fowler deferred commission chair nomination for at least a year.

Flanagan nominated Daniels.

Daniels deferred nomination stating he thinks some of the new members should have a chance before someone who has already served does so again.

McKenzie accepted chair nomination.

Daniels nominated Wyatt for vice chair. Fowler seconded, Wyatt accepts/MPUV

Freidig motioned to appoint McKenzie as chairperson and Wyatt as vice chair.  
Daniels seconded/MPUV



**XI. Determine whether or not to have a 2014 grant program due to the amount of fine revenue received in Fiscal year 2013-14**

Ed King restated that last fiscal year the monies collected from fines and penalties were just over \$500.00 - \$315.00 in base fines and \$193.00 in penalties. Not enough to continue the grant program if that is how things continue. However, since the commission, in May 2013, received \$7,000 in back payments that weren't originally deposited to the Fish and Game Fund the total fund balance is currently \$15,000. Therefore, adequate funds exist to operate the grant program with \$5,000 available for donations.

Freidig suggests lowering total grants to \$4,000 this year, maybe \$5,000 if they can. She's concerned for next year, so favors reducing the total rather than eliminating the program altogether.

Ed states he doesn't believe the commission is in jeopardy of losing the \$4,000 support from Board of Supervisors for operating funds.

Fowler suggests continuing this year as usual. If it comes down to a crunch next year, then back down on funding.

Ed says 2013-14 was possibly the lowest fine revenue ever.

McKenzie would like to see the grant program continue as it has while the funds are present.

Flanagan asks if \$5,000 is safe and Ed tells him yes.

Marilyn Jasper suggests they err on the side of caution.

Flanagan motions to continue the program with a budget of \$5,000.  
Daniels seconds/MPUV

Ed King states he and Elizabeth Allbright will work to get out a press release in the next few weeks. Grant process will follow similar schedule as last year.

**XII. Next Meeting Date**

August 27, 2014

Discussion: Marc Wyatt mentions that the fire last year kept a large portion of the forest in Foresthill closed and that may have also affected warden activity i.e.: citations.

**XIII. Adjournment**

8:18 PM